

CALIFORNIA COUNCIL FOR INTERIOR DESIGN

JOINT LEGISLATIVE SUNSET REVIEW COMMITTEE 2003 SUNSET REVIEW REPORT

*Overview of the Board's Regulatory Program and Board's Response to
Issues and Recommendations from Previous Sunset Review,
Background Paper for the 2002 Public Hearing, and Final
Recommendations of the Joint Committee*

Senator Liz Figueroa
Chair

Senate Members
Sam Aanestad
Edward Vincent

Assembly Members
Lou Correa, Vice Chair
Joe Nation
Sharon Runner

Staff:
Robin Hartley, Consultant
Jennifer Anderson, Assistant

Staff Assistance Provided By:

Bill Gage, Consultant
Senate Business and Professions Committee

Jay DeFuria, Consultant
Senate Business and Professions Committee

Kristin Triepke, Consultant
Senate Business and Professions Committee

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1.

OVERVIEW OF THE CURRENT REGULATORY PROGRAM

BACKGROUND AND DESCRIPTION OF THE BOARD

A. DESCRIPTION AND RESPONSIBILITIES OF THE BOARD

MISSION STATEMENT

“To establish and implement professional standards and educational requirements, educate the public, and facilitate interior design professional’s compliance with our standards and code of ethics in order to provide for the protection, health, safety and welfare of the public”.

BACKGROUND HISTORY

The California Council for Interior Design Certification is the organization that certifies interior designers who voluntarily want to be “Certified Interior Designers” in California as defined under Chapter 3.9, Section 5800 of the California Business and Professions Code. The council is charged with approving examinations, and verifying experience and education requirements for those who want to become certified, and maintaining a database and list of those who do so. CCIDC currently certifies 3,237 interior designers in the State of California. CCIDC has approved 89 new Certified Interior Designers since January 2001.

In 2000, the federal Bureau of Labor Statistics counted 45,435 interior designers in the United States of which 30,800 were employees of a design or architectural firm, or furniture store, and 14,635 were self-employed. Using the current number of Certified Interior Designers in California, this represents just over 7% of all interior designers in the United States. This number could easily be doubled in California because CCIDC had over 5,000 initial applications in 1992-1994 when it was first started, and we know from experience, and the number of members of the various interior design associations, that not all interior designers in California at that time applied to become certified. It is probably safe to say at this time however, that roughly 14% (6,500) of all interior designers in the United States work and reside in California, half of whom are certified by CCIDC.

LEGISLATIVE HISTORY

CCIDC is a “private” nonprofit mutual benefit corporation. It was established in January 1992 as the organization responsible for administering the requirements of the Certified Interior Designers Law under Chapter 3.9, Section 5800 of the California Business and Professions Code. CCIDC defines and enforces standards of competence, ethics, professionalism, and administers a program of voluntary certification of interior designers in California.

After SB 153 passed and became effective January 1, 1991, the California Legislative Conference on Interior Design (CLCID) appointed a multidisciplinary task force of interior designers to plan the implementation of voluntary self-certification. The result of their efforts was to establish the California Council for Interior Design Certification (CCIDC) in January 1992. CCIDC’s bylaws define classes of membership, govern membership, govern appointment and election of directors, and specify roles and responsibilities of the board and staff.

More recently, in compliance with the requirements of last year’s bill, SB 136, CCIDC has undertaken a corporate change from a 501(c)(6) nonprofit entity to a 501(c)(3) nonprofit entity. This required CCIDC to obtain approval from a quorum of its members, and create new Articles of Incorporation and Bylaws, which are included in the Appendix (see Exhibits H and I). This process of changing over is ongoing at this time although all proper documentation has been filed with the Internal Revenue Service, the Franchise Tax Board, and the California Secretary of State. CCIDC is waiting for final disposition of their request with the IRS, which may take 6 months or more.

In 1994, Senator William Craven introduced SB 1586, relating to a licensing section of the Bureau of Home Furnishings and Bedding Statute that amended the law to exempt interior designers who exclusively specify, but do not buy or sell, upholstered furniture or bedding, from having to obtain a license. The amendment was signed into law by then Governor Pete Wilson.

In early 1995, Senator Milton Marks introduced SB 1028 that amended Section 5800 of the California Business and Professions Code and changed the definition of an interior design organization to a “nonprofit professional organization of certified interior designers whose governing board included representatives of the public”. Governor Wilson signed the amendment into law.

In late 1995, Section 5800 of the California Business and Professions Code regarding certified interior designers was included in overall Sunset legislation. Sunset of Section 5800 was passed in 1996.

Senator Bruce McPherson introduces SB 435 to reverse the Sunset of Section 5800 for one year. Governor Wilson signed the bill into law in 1997, despite “opposition” from the Department of consumer Affairs.

In 1998, Senator Bruce McPherson introduced SB 1471, which extends the Section 5800 Sunset until January 12, 2002. Governor Wilson, with the Department of Consumer Affairs remaining “neutral”, signed the bill into law.

From 1996 until the present, the International Conference of Building Officials (ICBO) has been creating a new universal international building code, the ICC 2000, for adoption in all states, including Canada and Mexico. The current language in this new code that would affect interior designers was the definition “Registered Design Professional”. The interior design profession, on a national level has been concerned that adoption of this code and definition will prevent interior designers from being able to submit plans to building officials for building permits, especially in California where the title “Certified” is used, and not the title “Registered” as contained within the new code.

In order to address this issue, and the ongoing issue of consumer protection, CCIDC and CLCID jointly sponsored AB 1096 in February of 1999. This bill made its way successfully through both houses of the California legislature, but was vetoed by Governor Davis on September 10, 2000.

In April of 2001, SB 136 introduced by Senator Liz Figueroa was amended to include changes to Section 5800 of the Business and Professions Code. This bill extended the Sunset for Section 5800 until January 1, 2004 and required all examinations utilized by CCIDC for the certification process to comply with Section 139 of the Business and Professions Code. It also required CCIDC to change from a 501(c)(6) corporation to a 501(c)(3) corporation, to provide an independent audit of its financial transactions (see Appendix, Exhibit “C” for a copy of the Audit), and to report to the Joint Legislative Sunset Review Committee by September 1, 2002 on outreach efforts (see letter dated August 28, 2002 addressed to Kristin Triepke of the Senate Business and Professions Committee in the Appendix marked Exhibit “A”), examinations, finances, interactions of the organization, and materials and information. SB 136 also made it an unfair business practice for any person to represent themselves as a “certified interior designer”, unless they complied with the requirements of Section 5800.

BOARD COMPOSITION

The law provides for an “interior design organization” to administer voluntary certification (such organization is defined in the code as a “nonprofit organization, exempt from taxation under Section 501(c)(3) of Title 26 of the United States Code, of certified interior designers whose governing board shall include representatives of the public”).

Under the new bylaws of CCIDC, the board will be composed of not more than eleven (11) members, five of whom will represent each of the designated national professional

associations, namely the American Society of Interior Designers (ASID); the Interior Design Society (IDS); the International Interior Design Association (IIDA); the International Furnishing and Design Associates (IFDA); and the National Kitchen and Bath Association (NKBA). There is also a professional member of the board who is not affiliated with any of these organizations who represents the “independent” or non-affiliated interior designers. Representing the interior design educators is a representative from the Interior Design Education Council (IDEC). Lastly, there are four (4) public member positions on the board.

Because the board is in transition at this particular point in time from the 501(c)(6) corporation to the new 501(c)(3) corporation, and has just started operating under the new bylaws, it is waiting for the appointment of the new NKBA board member by NKBA and is accepting nominations for the new public member position. The CCIDC anticipates both these positions will be filled by the JLSRC hearing date of November 20th, 2002.

All “professional” (i.e. non-public) members of the CCIDC board are, and must be, Certified Interior Designers in accordance with the CCIDC bylaws.

The current board members are as follows:

- Patsy Zakian-Greenough, CID*, Board President, represents “Independent” interior designers on the CCIDC board. Current term expires May 2003.
- Rayne Sherman, CID*, Board Vice-President, represents IIDA. Current term expires May 2003.
- Lynda Gould, CID*, Board Secretary, represents IDS. Current term expires May 2005.
- Leta Stagnaro, Board Treasurer, Public Member. Current term expires May 2003.
- Claudia Andreasen, CID*, represents ASID. Current term expires May 2005.
- Susan Coleman, CID*, representing IDEC. Current term expires May 2003.
- Billie Huckaby, CID*, representing IFDA. Current term expires May 2004.
- Lois Curran-Klein, Public Member. Current term expires May 2004.
- Donald Chu, Ph.D. PT. Public Member. Current term expires May 2005.

Note: * *Certified Interior Designer*.

Some of the board members are still on their first term, especially the public members, so they can elect to serve for “two” terms if they so desire. A single term is three (3) years, and all terms start and expire in May at the time of the CCIDC Annual Meeting.

All new board members receive copies of the CCIDC Bylaws, Rules and Regulations, Policy and Procedures, as well as recent board meeting packages and meeting minutes. The Policy and Procedures manual guides board members on appropriate behavior as a member of the CCIDC board and gives them information on financial operations, legal operations, education, travel and reimbursement policies, and other operational policies of the board and staff.

B. CORPORATE CHANGEOVER [501(c)(3) STATUS]

The following table outlines the time line that CCIDC has employed in its efforts to comply with the request in SB 136 to change from a 501(c)(6) corporation to a 501(c)(3) corporation.

DATE	ACTION/DESCRIPTION
January 29, 2001	SB 136 introduced.
April 30, 2001	SB 136 amended to include Section 5800 Certified Interior Designers.
May 19, 2001	CCIDC board meets and approves expenditures and actions necessary to comply with SB 136.
July 24, 2001	CCIDC staff contacts corporate attorney to start implementation of 501(c)(3) changeover process as required by SB 136.
August 1, 2001	Provided CTEC (Registered Tax Preparers) 501(c)(3) information to CCIDC corporate attorney.
August 8, 2001	Received documentation request from attorney so they can determine the exact process for CCIDC to become a 501(c)(3). Documents were sent out next day.
August 27, 2001	Received, signed and returned "Fee Agreement" from attorney.
October 4, 2001	SB 136 Chaptered.
October 28, 2001	Received first draft of Proxy/Ballot notice from attorney for review. In order to change current bylaws and liquidate current corporation so as to change form 501(c)(6) to 501(c)(3), requires a 1/3 approval of all current Certified Interior Designers (CID) in the state of California.
November 20, 2001	Received final draft of Proxy/Ballot notice from attorney to be sent to all CID's authorizing change in corporate status.
November 27, 2002	All Proxy/Ballot notice material sent to graphic designer for layout so package can be mailed and returned after CID voting.
December 10, 2002	Proxy/Ballot artwork sent to printer.
December 17, 2002	Proxy material mailed to all CID's. Deadline for return is January 26, 2002.
January 23, 2002	First draft of revised bylaws sent out to CCIDC board of directors for review and comment.
May 20, 2002	New corporation, CCIDC, Inc., incorporated by Secretary of State in California.

June 20, 2002	Final comments from all CCIDC directors sent to attorney for review and implementation.
June 25, 2002	Final draft bylaws sent out to CCIDC board for approval.
July 16, 2002	Notice of conference call to approve new bylaws sent out to CCIDC board.
July 26, 2002	CCIDC board of directors approve new bylaws for CCIDC, Inc.
August 1, 2002	Statement for Domestic Non-profit Corporation filed with the California Secretary of State.
August 6, 2002	All necessary corporate and tax documents received from attorney for proper execution and signatures.
August 13, 2002	Audited financial report for fiscal year 2001 for CCIDC sent to Senate Business & Professions Committee.
August 15, 2002	All “tax” related documents fully executed and returned to the attorney.
August 17, 2002	Assets and Membership transferred to CCIDC, Inc.
August 26, 2002	New taxpayer identification number (T.I.N.) for CCIDC, Inc., received from IRS.
August 28, 2002	All “corporate” related documents fully executed and returned to attorney.
September 10, 2002	Notice from IRS that all documentation for 501(c)(3) request has been received and that we may expect to hear from them within 120 days.
October 15, 2002 (Est.)	Directors of “old” corporation elect to wind up and dissolve “old” corporation.

The CCIDC corporate attorney is currently in the process of liquidating the old corporation and new bank accounts and other necessary accounting issues are being put in place.

C. EXAMINATION VALIDATION

In accordance with SB 136, and the amended Section 5801.1 requiring all examinations recognized and required by CCIDC to be subject to occupational analysis and validation in accordance with Section 139 every five to seven years is the following report.

CCIDC will accept successful passage of any one of three national examinations in order for someone to become a certified interior designer. This is in addition to the California examination, the California Codes and Regulations Exam (CCRE). The three national examinations are 1.) the Council of Qualification for Residential Designers (CQRID) 2.) the National Council for Interior Design Qualification (NCIDQ) and 3.) both parts [Certified Bath Designer (CBD) and Certified Kitchen Designer (CKD)] of the National Kitchen and Bath Association (NKBA).

The reason CCIDC accepts three national examinations, is to be inclusive of all qualified practitioners of interior design in the State of California. In addition to one of these national exams, CCIDC also requires passage of the California Codes and Regulations

Exam (CCRE) to accommodate the differences between California's more restrictive codes (e.g. Title 24) and fire/life safety requirements, and those of other states. The CCRE was introduced in 1995 as required by the original interior designers law created by SB 153.

The CCRE is specifically designed to test candidates on their knowledge of building codes (including fire/life safety), specific to California, as well as the subjects of civil law (as it relates to the practice of interior design), Title 24 handicap access codes, business practices, ethics, ergonomics and other relative subjects.

All examinations are given twice a year throughout the State, as well as nationally, typically in the Spring (April), and in the Fall (October).

The following is a brief description of the three national examinations accepted by CCIDC.

1. CORID

The **Council for Qualification of Residential Interior Designers (CQRID)** was founded in 1992 in order to ensure that residential interior designers are equitably represented in designer licensing legislation through appropriate testing, education and experience requirements. The exam consists of two parts: a three-hour 200 question multiple-choice examination, and a six-hour practical design problem based upon a client profile. All items, which appear on the CQRID examination, have been reviewed at least four times. The content outline is developed as a result of a job analysis and serves to guarantee consistent emphasis on content areas from one exam to another. Each administration of the CQRID practical design problem portion of the exam includes practice-based skills identified by content experts. Each administration of the multiple choice exam includes a unique combination of items drawn from the item bank and included on the basis of the content areas and associated weights as identified on the content outline. Knowledge areas tested on the exam include: principles and techniques of programming and planning; design theory; contract documents and business practices; furniture, textiles, fixtures, accessories and finishes; building construction and interior systems, communications, codes/standards, ethical/legal/business issues, and historical and current styles.

The candidate cost for taking this examination is \$435.00, which includes a non-refundable \$35.00 registration fee.

2. NCIDQ

The **National Council for Interior Design Qualification (NCIDQ)** was founded in 1972 and at the time was the only available examination for testing the competency of interior designers. It was formalized as a not-for-profit organization when it was incorporated in 1974.

The current version of the exam administered for the first time in October of 2000 is in three parts. Section I is the Principles and Practices of Interior Design, Section II is Contract Development and Administration, and Section III is Schematics and Design Development.

Section I addresses the areas of project organization, programming, schematics and design development. Some questions incorporate drawings, pictures and symbols typical in the interior design profession requiring the candidate to recall, apply and analyze information.

Section II addresses the areas of contract documents and contract administration. Again, some questions incorporate drawings, pictures and symbols typical in the interior design profession requiring the candidate to recall, apply and analyze information.

Section III requires the candidate to produce a design solution (create a floor plan and complete a finish schedule, an adjacency matrix, a reflected ceiling plan, an electrical/data plan, a section and an evaluation). The program is usually on a mixed-use facility and all candidates receive the same design scenario on a given test date, and must apply the principles of accessible design to the solution.

The candidate cost for taking this examination is \$750.00, which includes a one-time only registration fee of \$125.00.

3. NKBA

The **National Kitchen and Bath Association (NKBA)** examinations have been in existence since 1968 and consist of two separate exams, the Certified Kitchen Designer (CKD) examination and the Certified Bath Designer (CBD) examination. Each examination requires passage of the AKBD, which serves as the academic portion for both the CKD and CBD, and consists of a three-hour multiple-choice question format. The CKD and the CBD are the design portions and each lasts six hours and require the candidate to produce 4 project documents (plans) in accordance with client needs, NKBA's design guidelines and the NKBA drawing and presentation standards. Also included in the testing of the candidates are business practices, universal design (ADA), construction administration, and finishes.

The cost to the candidates for both the CKD and the CBD examinations, which includes the AKBD (academic) portion, is \$600.00.

The following is a brief description of the California specific examination administered by CCIDC.

4. CCRE

The **California Codes and Regulations Exam (CCRE)** was introduced by CCIDC in 1994 as required by the original Section 5800 of the Business and Professions Code

which required a supplemental California examination to ensure candidates were conversant with California building codes and laws with respect to interior design. This examination was completely updated and psychometrically re-evaluated in 2000. The then relatively new occupational analysis prepared by NCIDQ was used in the preparation on the updated (2000) version of the CCRE. The CCRE has gone through another more recent update as of July 2002 and is currently going through a thorough psychometric evaluation at this time.

The examination comprises of two parts given over 3 hours. The first part is a 50 question multiple-choice closed book section, and the second part is a 25 question open book section. Candidates are allowed to bring their building code and other specific reference books into the examination room for the open book portion, to emulate what they would do in a realistic working situation.

The subjects covered in the examination are exiting and fire/life safety, accessibility and universal design (Title 24), interior finishes and flammability as they relate to the California Technical Bulletins issued by the Department of Consumer Affairs Bureau of Home Furnishings, ergonomics, environmental, plumbing, electrical, mechanical, administrative procedures relative to the California Building Code, professional ethics, legal issues specific to California, contractual issues, and standard business procedures.

Since the last JLSRC hearings in December 2000, 99 candidates have taken and passed the CCRE examination, 37 candidates took the examination on October 12, 2002, for which results are not yet available, and so far 16 are registered for the April 2003 examination.

The cost to each candidate to take the CCRE is \$100.00.

The chart below represents the costs involved for the three national examinations, only one of which a candidate needs to have, in addition to the CCRE, in order to become a Certified Interior Designer, along with the other application requirements of education and/or experience, references, etc.

EXAMINATION COST COMPARISON			
EXAM NAME	REGISTRATION FEE	EXAMINATION FEE	TOTAL COST
CQRID	\$35.00	\$400.00	\$435.00
NCIDQ	\$125.00	\$625.00	\$750.00
NKBA	\$0.00	\$400.00	\$400.00
CCRE	\$0.00	\$100.00	\$100.00

FOR COMPLETE PSYCHOMETRIC VALIDATION DATA AND STATISTICS, PLEASE REFER TO ATTACHMENTS CONTAINED IN THE APPENDIX UNDER EXHIBIT "B".

D. MARKETING/OUTREACH PROGRAMS

STUDENT OUTREACH

Two years ago CCIDC developed a program of posters and bookmarks (see Exhibit D in the Appendix) primarily aimed at interior design students and interior design schools in California. The poster and bookmarks basically show the different levels and requirements with regard to education, examination and experience in order to become a Certified Interior Designer in California. Over 12,000 bookmarks, and 500 posters have been distributed to the approximately 65 interior design schools and programs in California in the last two years, including many student forums held throughout the state. The posters and bookmarks extol the certification program as the highest standard of professional achievement for interior designers in California.

The result of this program, coupled with the acceptance of two more nationally recognized interior design examinations, has been a significant increase in applicants for certification. The CCIDC board and staff have spoken to students on campus as guest speakers at many schools over the last two years.

The CCIDC web site has now been thoroughly upgraded to include application forms, examination registration forms for the CCRE, links to the other examination web sites, and a downloadable version of the CCRE Study Guide. Applicants can now apply and pay online through a secure server.

CONSUMER OUTREACH

The biggest source of consumer outreach has been the CCIDC web site with an average of over 800 visits per month. There is a lot of consumer information on the web site including a very comprehensive "Consumer Guide", a FAQ's (Frequently Asked Questions) page and an online complaint form. Also stemming from the web site has been a lot of E-mail traffic from consumers with various concerns or comments, and a lot of requests for lists of Certified Interior Designers in their particular area or locale. Since March 2001, CCIDC has received and responded to 43 requests from consumers for lists of Certified Interior Designers.

CCIDC has also participated, or supported, various community programs and trade shows attended by the general public that have highlighted the benefits of hiring a Certified Interior Designer.

CCIDC also continues to distribute through Certified Interior Designers the "ABC" (Answers & Basics for Consumers, see Exhibit E in the Appendix) brochure that

describes for consumers how to work with a designer, including addressing some very common consumer concerns.

CERTIFIED INTERIOR DESIGNER OUTREACH

CCIDC has several programs for reaching its constituency, namely Certified Interior Designers (CID). There are several newsletters (see Exhibit F in the Appendix) issued each year, which are both mailed and posted on the CCIDC web page. If there is some relevant news that needs to be circulated quickly, CCIDC can global E-mail to approximately a third of all CID's.

Also throughout the year CCIDC board members and its staff are invited to attend and speak at various chapter meetings of the interior design associations up and down the state, plus various trade meetings. This allows some interaction between the CCIDC board and CID's where questions can be answered first hand.

CCIDC does not issue an annual report to CID's, however copies of the annual "audit" are made available to those who wish to receive a copy. They can request a copy online, or by calling the CCIDC office. This information is typically put in a newsletter and posted on the CCIDC web site.

CCIDC board meetings, which are rotated throughout the state, are not only open to CID's, but to the general public as well. Information on CCIDC board meetings is posted on the CCIDC web site and referenced in newsletters when appropriate with regard to timing.

BUILDING OFFICIAL OUTREACH

CCIDC has been involved with CALBO (California Building Officials) and the International Conference of Building Officials (ICBO) for the last 8 years, through its membership in both organizations, and by regularly attending the CALBO annual business meeting as an exhibitor, and distributing information on the certification program directly to building officials (see "Questions & Answers" brochure in the Appendix under Exhibit G).

CCIDC recently conducted a survey of all the CALBO members this past August. One of the most significant things that came out of the survey was that there are still a lot of building officials who are not aware of the certification program (33 respondents) and even more who do not know the difference between Certified Interior Designers and non-certified interior designers (50 respondents). Some of this is due to personnel changes within building departments, which is an ongoing process. This survey has provided CCIDC with the opportunity to identify these respondents, and to provide them with the appropriate education material regarding Certified Interior Designers and the certification program. The results of that survey are as follows:

BUILDING OFFICIAL (CALBO) SURVEY

The survey, comprising of 8 questions, was sent out on August 20, 2002 with a request that all responses be returned by August 31, 2002. Questions 5 and 8 were questions that required a comment for an answer. Very few building officials responded to these two questions, so the answers have been compiled in the “Comments” section at the end of this survey report. The results of the survey are as follows:

Number of Surveys Mailed = 353

Number of Surveys Returned = 146 (41%)

Question 1. Are you aware of the “**Certification**” program for interior designers established in California in 1991 by Section 5800 of the Business and Professions Code?

113 respondents said YES.

33 respondents said NO.

Question 2. Do you know and understand the difference between interior designers who are “**Certified**” under Section 5800 of the Business and Professions Code, and those who are not?

96 respondents said YES.

50 respondents said NO.

Question 3. Does your Building Department accept non-structural, non-seismic, non-residential interior design plans from “**Certified Interior Designers**”?

119 respondents said YES.

27 respondents said NO. (See note after Building Official Comments)

Question 4. If your answer to #3 above is **Yes**, please skip to the end of the survey.

If your answer to #3 above is **No**, is the reason for non-acceptance of non-residential interior design plans from “**Certified Interior**

	<p>Designers” based on Sections 5805 and 5538 of the California Business and Professions Code?</p> <p><i>6 respondents said YES. 3 respondents said NO.</i></p>
<p>Question 6.</p>	<p>If your building department does “not” accept non-structural, non-seismic, non-residential interior design plans from “Certified Interior Designers” for plan check, would it do so if “Certified Interior Designers” were “Registered” in the State of California?</p> <p><i>5 respondents said YES. 6 respondents said NO.</i></p>
<p>Question 7.</p>	<p>If your building department does “not” accept non-structural, non-seismic, non-residential interior design plans from “Certified Interior Designers” for plan check, would it do so if “Certified Interior Designers” were required to be “Bonded” in the State of California?</p> <p><i>1 respondent said YES. 12 respondents said NO.</i></p>
<p><u>BUILDING OFFICIAL COMMENTS:</u></p>	
<p>Question 5.</p>	<p>If your answer to #4 above is No, please provide the criteria you use to accept non-residential interior design plans from “Certified Interior Designers”.</p> <p><i>“Most of our requirements ask for licensed engineers”</i></p> <p><i>“Life safety issues must not be part of the project, and no change of occupancy to a more restrictive occupancy”.</i></p> <p><i>“CSLB C-33”.</i></p>
<p>Question 8.</p>	<p>If “Registering” and “Bonding” of “Certified Interior Designers” does not satisfy your department’s requirements for plan check submission for non-structural, non-seismic, non-residential interior design plans, what would?</p>

“State law providing the same “rights” as engineers and architects”.

“County Counsel’s concurrence that state law requires acceptance and no conflict’s with engineer’s and architect’s practice act”.

“Business and Profession Code would need to be modified to clearly define limitations”.

“State law stating precisely what work they (CID’s) could perform”.

“A licensed architect or engineer – we don’t need more professions, just more professionals (competent)”.

“State licensure based on testing of knowledge in fire-life safety and exiting code requirements”.

“Pursuant to Business and Profession Code sections 5537, 5538, and 6737.1 – no electrical, no plumbing, no HVAC design”

Note: With respect to the 27 “NO” respondents to Question #3, it should be noted that these included the cities of Los Angeles, San Francisco and Sacramento, as well as other significant jurisdictions like Newport Beach, Santa Monica, Berkeley, Sunnyvale, Fremont, and Huntington Beach. Although 27 “NO” respondents out of a total of 146 might not seem a particularly large number, it should be noted that these 27 jurisdictions represent close to 75% of the commercial construction centers of California.

CONSUMER COMPLAINTS

As you will see from the chart below, CCIDC has been receiving a growing number of consumer complaints from year to year. This is primarily attributed to the CCIDC Internet web site presence, which more and more consumers are visiting as time goes by. There is a consumer complaint form available online to consumers whereby they can fill out in a relatively easy manner the basic facts regarding a complaint against an interior designer they might have. We also know from experience and the number of inquiries that a lot of consumer complaints against interior designers are not received by CCIDC. Invariably, these are settled in the courts at the expense of consumers, or not pursued at all due to the time and legal costs involved.

CCIDC staff with a phone call, or E-mail, will follow up a consumer complaint in order to solicit more information. If the complaint is regarding a certified interior designer, CCIDC will contact the Certified Interior Designer in order to apprise them of it, and to get their side of the story. If the complaint is against a non-certified interior designer then

the CCIDC staff will work with the consumer in order to advise them as the best way to resolve their problem or recover their loss.

Most consumer complaints revolve around disputes over money or incomplete services. Most involve violations of the Contractors State Licensing Board (CSLB) laws with respect to acting as a general contractor without a license. This is where a designer accepts money from a consumer for “construction” work to be performed by a contractor or sub-contractor on the consumer’s residence (note: nearly all complaints involve residential interior designers) and upon completion of the work fails to pay the contractor. In some instances the contractor may file a lien against the consumers property until payment has been made, sometimes for a second time. It should also be noted that many of the complaints, which are primarily against non-certified interior designers, involve some kind of fraudulent behavior with respect to charging for design services, but not delivering those services.

The cost in terms of time, money, stress and anxiety to consumers is significant, and in many instances the consumer is left to hire another professional to complete the unfinished work that should have been done correctly in the first place. Many non-certified interior designers lack the education and skills required to perform the work and invariably are doomed to failure by their own incompetence. For the record it should be noted that anyone, without any education, experience or examination could call himself or herself an “interior designer” and practice as such, preying on the naivety of the general public at their expense and welfare. SB 136 does protect the title “Certified Interior Designer” under the unfair business practices act, but the most commonly used title of “interior designer” is not protected.

<u>CONSUMER COMPLAINT ACTIVITY LOG</u>						
COMPLAINT ACTIVITY	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
<u>Inquiries</u>	Total: 15	Total: 13	Total: 20	Total: 18	Total: 21	Total: 32
<u>Complaints Received (Source)</u>	Total: 10	Total: 7	Total: 9	Total: 8	Total: 7	Total: 18
Public	10	5	9	8	7	17
Certified/Professional Groups						1
Governmental Agencies						
Other		2				
<u>Complaints Filed (Against)</u>						
Certified Interior Designers					5	2
Non-Certified Interior Designers					2	16
<u>Complaints Filed (By Type)</u>	Total: 9	Total: 5	Total: 9	Total: 8	Total: 7	Total: 18
Competence/Negligence	1		1	1	1	2
Unprofessional Conduct	3	2	6	5	2	
Fraud	5	5	2	2	3	13
Health & Safety					1	
Uncertified Activity						2
Personal Conduct						1

<u>Complaints Closed</u>					3	15
<u>Investigations Commenced</u>					5	2
<u>Compliance Actions</u> ISOs and TROs Issued Citations and Fines Public Letter of Reprimand Cease and Desist/Warning Referred for Diversion Compel Examination/CEU			2			2 3
<u>Referred for Criminal Action</u>						
<u>Referred to AG's Office</u> Accusations Filed Accusations Withdrawn Accusations Dismissed						
<u>Stipulated Settlements</u>						
<u>Disciplinary Actions</u> Revocation Voluntary Surrender Suspension Only Probation with Suspension Probation Probationary Certification Issued		1	1			3
<u>Probation Violations</u> Suspension or Probation Revocation or Surrender						
Note: CCIDC has no enforcement authority under California Law, however since passage of SB 136, it is now an <u>unfair business practice</u> to use the title "Certified Interior Designer" if you have not met the provisions of Section 5800 of the California Business and Professions Code.						

2.

BACKGROUND PAPER FOR HEARING

IDENTIFIED ISSUES, QUESTIONS FOR THE COUNCIL, AND BACKGROUND CONCERNING ISSUES

PRIOR SUNSET REVIEW: The Joint Legislative Sunset Review Committee (Joint Committee) last reviewed the California Council for Interior Design Certification (CCIDC) two years ago (2000-01). The Joint Committee identified a number of issues and problem areas concerning CCIDC and made the following recommendations: (1) the certified interior designer (CID) law should be continued; (2) CCIDC should report back to the Joint Committee by September 1, 2002, on the following: (a) outreach efforts, specifically relating to outreach to schools, law enforcement, architects, building officials, public, (b) examinations, the availability of the California Codes and Regulation Exam (CCRE) and status of occupational analyses, (c) finances, (d) interactions with the California Legislative Council of Interior Designers (CLCID) and efforts made to separate themselves from CLCID, and (e) whether CCIDC materials and information adequately reflect their purpose; (3) that Section 5800(b) of the Business and Professions Code should be amended to more clearly define “interior design organization.” In particular, the amendment should strike the word “professional” and require the nonprofit organization to be a 501(c)(3); (4) the CID law (B&P Sec. 5800 – 5810) should be amended to provide for a title act for CID’s; (5) that CCIDC should work with the Joint Committee to determine what if any authority CCIDC should be given to deny, suspend or revoke a certificate; (6) the Joint Committee should continue to monitor the relationship between CCIDC and CLCID to ensure it is appropriate; (7) the examinations recognized and required by CCIDC should be subject to an occupational analysis schedule similar to that required of Department of Consumer Affairs (DCA) boards and bureaus under Business and Professions Code Section 139; (8) CCIDC should have an independent audit of their revenues and expenditures and provide the audit results to the Joint Committee within a reasonable time; (9) CCIDC should clearly post the inactive status information on their webpage, application materials and anywhere else they deem appropriate and applicable; and (10) CCIDC should continue working with the Joint Committee to ensure the accuracy of the information they provide in their written materials and on their webpage.

On August 13, 2002, CCIDC submitted to the Joint Committee an independent audit of their revenues and expenditures, dated December 31, 2001. In October 2002, CCIDC submitted its required sunset report to the Joint Committee. In this report, information of which is provided in Members’ binders, CCIDC described actions it has taken since their prior review.

The following are unresolved issues pertaining to CCIDC, or areas of concern for the Joint Committee, along with background information concerning the particular issue. There are questions that staff has asked concerning the particular issue. CCIDC was provided with these issues and questions and is prepared to address each one if necessary.

CURRENT SUNSET REVIEW ISSUES

OUTREACH ISSUES

ISSUE #1: In the prior Joint Committee review of CCIDC, it became clear that outreach to law enforcement is important because CCIDC has no legal authority to enforce disciplinary cases. However, it does not appear that outreach efforts have included law enforcement.

Question #1 for CCIDC: *Do CCIDC outreach efforts include law enforcement? If not, why not? If so, what outreach efforts are being made to law enforcement (district and city attorneys and other relevant prosecutors of consumer laws)? If so, what is the message of the outreach efforts?*

Background: In the current report to the Joint Committee, CCIDC has stated that it is a private organization that has no legal authority to enforce a complaint against a certified or non-certified interior designer.

Despite this, according to the CCIDC report, many consumers turn to CCIDC with complaints about interior designers, whether certified or not. If a consumer contacts CCIDC with a complaint about a CID, CCIDC will offer suggestions and act as a resource to help solve the problem. If the CID has violated the CCIDC Code of Ethics or the Rules and Regulations, the CCIDC report states that CCIDC has the duty and authority to investigate alleged violations by CIDs and to revoke certification if it is deemed warranted in accordance with Section 2.14 of the CCIDC Bylaws.

ISSUE #2: CCIDC has been doing outreach to interior design students as well as interior design schools to increase awareness of the CID certification program. Is CCIDC being as effective as they could be?

Question #2 for CCIDC: *What interaction, beside distributing posters and bookmarks, has CCIDC had with the 65 interior design schools in California?*

Background: CCIDC stated in the current report to the Joint Committee that it has created posters and bookmarks describing the necessary education, examination, and experiential standards for certification. These materials – 12,000 bookmarks and 500 posters – are

distributed to the 64 interior design schools and programs in California. In the report, CCIDC noted that these materials were also distributed at many student forums held throughout the state.

Beyond the distribution of posters and bookmarks, it is unclear what else CCIDC has done to communicate with interior design students about the education and experiential standards necessary for certification.

ISSUE #3: The extent and effectiveness of CCIDC outreach towards building officials is unclear. The extent of CCIDC outreach towards architects is also unclear.

Question #3 for CCIDC: *What outreach has CCIDC conducted towards building officials? What outreach has CCIDC conducted towards architects? How does CCIDC distribute the materials created for building officials? How is the CCIDC website currently being utilized to relay information to building officials? Is there a section on the website's homepage directing building officials to information they may need?*

Background: Section 5805 of the Business and Professions Code states that CIDs shall not be precluded from submitting interior design plans to local building departments. It also states that CID's may prepare and submit non-structural or non-seismic plans consistent with Section 5805 and Section 5538 to local building departments. Generally, because of Section 5538 of the Business and Professions Code, which allows building and safety departments to not accept construction drawings based on the safety of the building, building officials may exercise discretion and at times do not accept designs from CIDs.

In the current report to the Joint Committee, CCIDC reports that outreach to building officials entails involvement with California Building Officials (CALBO) and the International Conference of Building Officials (ICBO) through membership in both organizations and attendance at the CALBO annual business meeting as an exhibitor. Additionally, CCIDC has developed a brochure targeted toward building officials explaining the certification program. In August 2002, CCIDC conducted a survey of all CALBO members, to determine how many do, or do not, accept non-residential interior designer plans from CIDs. Results from this survey are presented in the current CCIDC report to the Joint Committee.

It is unclear whether the CCIDC efforts to explain the standards and requirements of CID certification to building officials, primarily consisting of membership in CALBO, a brochure with limited distribution, and a survey, have been effective.

The current report to the Joint Committee mentions no interaction with or outreach to the California Architects Board or to professional organizations representing architects. It is also unclear if CCIDC has had any interaction with or done outreach to architects at all.

ISSUE #4: It is unclear if the operational and procedural elements involved in planning and carrying-out CCIDC outreach are executed in the most cost effective and efficient manner.

Question #4 for CCIDC: *Who from CCIDC conducts the outreach to students, consumers and professional groups? How does CCIDC decide on an outreach plan? Does CCIDC employ a cost-benefit analysis to determine the best method of outreach to students? Does CCIDC have a strategic plan for the next five years? If not, why not?*

Background: While the current report to the Joint Committee does detail the general methods for CCIDC outreach to target constituencies, such as attendance at student forums, trade shows, the development of brochures and the use of the website, the report does not provide information about the internal administrative processes which create and sustain these efforts.

ISSUE #5: **Consumers cannot access information regarding the status of a CID on the website.**

Question #5 for CCIDC: *Is there a way that consumers may verify a CID's status? How are the inquiries received via the website addressed?*

Background: CCIDC stated in the current report to the Joint Committee that the biggest source of consumer outreach has been the CCIDC website. The website, per the report, has an average of over 800 visits each month, and includes items such as an online complaint form, a downloadable "Consumer Guide" and a "Frequently Asked Questions" page. Also in the report, CCIDC states that since March 2001, 43 consumers have requested and received emailed lists of CIDs in their region.

Beyond emailing CCIDC with a specific inquiry about a CID, the website currently has no search function allowing a consumer to quickly verify the status of an interior designer. Other boards with DCA oversight, such as the Contractors' State Licensing Board, have this sort of verification tool as a part of their websites.

ISSUE #6: **CCIDC states that its biggest source of consumer outreach is its website. CCIDC outreach information and materials may not be as effective as it could be.**

Question #6 for CCIDC: *How does CCIDC determine the effectiveness of its website? How does CCIDC evaluate the success of other outreach efforts and materials directed at students, consumers and professional groups?*

Background: As stated in the current report to the Joint Committee, CCIDC considers its website to be the biggest source of consumer outreach as well as an important component of outreach to students, interior designers, and building officials. This being the case, it is important for this resource to be effective and easy to navigate. It is unclear whether CCIDC has evaluated the website with respect to these attributes.

Similarly, it is unclear whether the materials created by CCIDC for distribution have been re-evaluated to ascertain their effectiveness both in content and distribution with the target audience, either for informational or certification marketing purposes.

EXAMINATION ISSUES

ISSUE #7: During CCIDC's prior review, the Joint Committee recommended that CCIDC exams, including the CCRE, should be subject to an occupational analysis and examination validation process similar to that followed by DCA boards and bureaus.

Question #7 for CCIDC: *Why was the CCRE exam recently updated? What was updated? Who is doing the psychometric validation? What are their credentials? Please articulate the process used for the occupational analysis. When does CCIDC expect completion of the psychometric evaluation? Has CCIDC considered other ways to ensure that candidates are conversant with California building codes and laws with respect to interior design?*

Background: In the current report to the Joint Committee, CCIDC states that the CCRE is specifically designed to test candidates on their knowledge of building codes (including fire/life safety) specific to California, as well as the subjects of civil law, Title 24 handicap access codes, business practices, ethics, and ergonomics.

According to CCIDC, the examination is given twice a year in San Diego, Los Angeles, and San Francisco, typically in April and October. The exam is administered by paid proctors who are not involved in the design profession. After the proctors collect the exam, the exams are sent back to CCIDC. CCIDC then forwards the exams to Castle Worldwide, a professional psychometric evaluation company, for scoring. The results are faxed to CCIDC when complete, and CCIDC sends out a letter and certificate (certificate to successful candidates only) to the candidates. Since November 2000 (not including the October 12, 2002 exam), 105 candidates have taken the CCRE, of which 99 have passed and 6 have failed.

The current report to the Joint Committee states that the CCRE was completely updated and psychometrically evaluated in 2000, utilizing an occupational analysis prepared by the National Council for Interior Design Qualification (NCIDQ) as an analysis tool of their national interior design exam, and was updated again in July 2002. CCIDC states that the CCRE is currently going through another psychometric evaluation.

The report does not provide information about the identity or credentials of the organization or consultant providing the current psychometric evaluation, nor an estimated date of completion for this project. Similarly, few details are provided about the reason for the July 2002 update to the CCRE, such as what on the test was updated and what necessitated the update. It is also not clear if CCIDC has, since the creation of the exam in 1995, evaluated whether the bi-annual CCRE exam is the most cost-effective and efficient means to guarantee that candidates are conversant with California specific laws relevant to interior designers.

ISSUE #8: It is unclear what CCIDC does to ensure that each national examination required for certification appropriately measures the professional and technical skills required for certification, and what CCIDC does to ensure that each recognized national examination has scheduled an occupational analyses every five to seven years.

Question #8 for CCIDC: *What is the status of the most recent occupational analyses of each examination recognized by CCIDC? What does CCIDC do to ensure that the national examinations are following the occupational analyses schedule? Does CCIDC know the schedule for upcoming occupational analyses for each exam? If so, what are they?*

Background: Pursuant to Business and Profession Code Section 5801.1, the procedure for the issuance of a stamp by an interior design organization under Section 5801, including the examinations recognized and required by the organization, shall be subject to the occupational analyses and examination validation required by Section 139 every five to seven years. To issue a stamp and certify an individual as a CID, along with a tiered system of education and experience requirements, CCIDC will accept successful passage of any one of three national examinations. The three national interior design examinations are offered by: (1) the Council of Qualification for Residential Designers (CQRID); (2) the NCIDQ; and, (3) both parts [Certified Bath Designer (CBD) and Certified Kitchen Designer (CKD)] of the National Kitchen and Bath Association (NKBA). Additionally, the candidate must pass the CCRE, provide transcripts and confidential references from industry professionals, pay the required application fee, and sign the CCIDC code of ethics and conduct.

Section 139 of the Business and Professions Code describes requirements for occupational analyses and examination validation studies of boards and organizations overseen by DCA. Components of this section, which have since been detailed in the DCA Examination Validation Policy, include an appropriate schedule for examination validation and occupational analyses, minimum requirements for psychometrically sound examination validation, and standards for review of state and national examinations.

The extent to which CCIDC fully complies with the DCA Examination Validation Policy, beyond ensuring that the nationally recognized exams are subjected to occupational analyses and examination validations every five to seven years, is unclear.

BUDGETARY ISSUES

ISSUE #9: The CCIDC fund reserve has continued to decline over the past three years, even though CCIDC projected an increase of the amount held in reserve. If this continues, CCIDC will not have a prudent reserve and will have to raise fees.

Question #9 for CCIDC: *What is the status of the CCIDC fund reserve? What caused the depletion of the reserve from November 2000 to the present? What is the monthly operating budget? How many months in reserve is currently being held?*

Background: The current report to the Joint Committee does not include any discussion of the fund reserve or budgeting matters beyond the independent audit included in Appendix C. In the prior report to the Joint Committee, CCIDC noted that their reserve for FY 00 was \$113,596. In the prior report, CCIDC projected that the reserve in FY 01 would be \$127,096, \$169,096 in FY 02, and \$249,096 in FY 03.

The December 31, 2001 audit by certified public accountants Tate, Propp, Beggs & Sugimoto reports the CCIDC fund reserve as \$85,445. Rather than increasing, as was projected in the prior report, the amount held in reserve declined \$28,151 between June 30, 2000 and December 31, 2001. In the prior report, CCIDC set the reserve level at 6 months using a figure of \$19,000 per month for expenditures. If the CCIDC monthly expenditures budget is still \$19,000, then the current reserve is 4.5 months. The Legislature currently considers three to six months of reserves as financially prudent for consumer-related boards. While CCIDC reserves still fall within this range, the reason for the decline is unclear.

ISSUE #10: Some CCIDC expenses, as stated in the independent audit of CCIDC revenues and expenditures dated December 31, 2001, are unclear.

Question #10 for CCIDC: *What activities account for the \$21,812 spent on “Travel and Lodging” during 2001? What mailings account for the \$23,300 spent on “Postage?” How much does CCIDC spend participating in or attending community programs and trade shows? How often did CCIDC participate in or attend community programs and trade shows between November 2000 and the present? How does CCIDC decide to attend these shows? Who attends? For what reason were the “credit card fees” expenses listed in the audit so high?*

Background: The December 31, 2001 audit outlines the details of CCIDC expenditures. Some of the categories listed, such as “Travel and Lodging” and “Postage” are vague and warrant greater detail about what activities generated the higher amount of spending in these categories.

The current CCIDC report to the Joint Committee, in the sections titled “Student Outreach” and “Consumer Outreach,” lists attendance at student forums and community programs and trade shows as means of outreach to these constituencies. The frequency of these events is unclear, as well as the process by which CCIDC decides how the organization will benefit through attendance at these events and who attends.

3.

FINAL RECOMMENDATIONS OF THE JOINT LEGISLATIVE SUNSET REVIEW COMMITTEE

The Following Recommendations were Adopted by the Joint Legislative Sunset Review Committee on April 7, 2003 by a Vote of 6 to 0:

NOTE: There will not be any recommendations from the Department of Consumer Affairs because the California Council for Interior Design Certification (CCIDC) is a private, nonprofit organization and the Department has no authority or jurisdiction over them.

ISSUE #1: (CONTINUE THE VOLUNTARY CERTIFICATION SYSTEM?) Should the certified interior designer law be continued?

Recommendation #1: *The Joint Committee recommends that the certified interior designer law should be continued. CCIDC should report back to the JLSRC by September 1, 2005.*

Comments: The certified interior designer law can provide helpful guidance to consumers selecting interior designers in California.

ISSUE #2: (MODIFY THE EDUCATION REQUIREMENTS FOR CERTIFICATION?) What should be the minimum necessary education and experience required for interior design certification?

Recommendation #2: *The Joint Committee recommends that Business and Professions Code Section 5801 be amended to allow interior designers that have a two year degree plus four years of work experience to obtain a stamp and call themselves a “certified interior designer”(CID).*

Comments: Pursuant to Section 5801, in order for an individual to obtain a stamp from an interior design organization and to call himself/herself a CID, the individual must provide the interior design organization with evidence of passage of an interior design examination approved by that interior design organization and certain, specified education and/or experience. The education and/or experience allowed is as follows: a four of five year degree plus two years of experience (4+2); a three year certificate plus three years of work experience (3+3); or any combination of education and work totaling eight years. The law does not recognize a two year

degree, and instead requires applicants to wait the same amount of time as those with no education at all, eight years, before licensure.

ISSUE #3: (REVIEW AND ASSESS THE BENEFITS AND ALTERNATIVES TO THE CALIFORNIA CODES AND REGULATIONS EXAMINATION (CCRE)?) Is the CCRE the most cost efficient and effective way to ensure an adequate understanding of California codes and regulations relevant to interior design?

Recommendation #3: *The Joint Committee recommends that the CCIDC should review and assess the value of the CCRE examination and explore feasible alternatives.*

Comments: According to CCIDC, the examination is given twice a year, typically in April and October. The exam is administered by paid proctors who are not involved in the design profession. After the proctors collect the exam, the exams are sent back to CCIDC. CCIDC then forwards the exams to Castle Worldwide, a professional psychometric evaluation company, for scoring. The results are faxed to CCIDC when complete, and CCIDC sends out a letter and certificate to the successful candidates. Since November 2000 (not including the October 12, 2002 exam), 105 candidates have taken the CCRE, of which 99 have passed and 6 have failed. It should be noted that the CCRE is a requirement instated by the CCIDC, and not by statute.

Even in light of the most recent validation of the CCRE, the high passage rate calls into question the validity of the exam. It may be that there are other ways of ensuring a candidate's knowledge of California codes and regulations besides an examination. For example, the Veterinary Medical Board allows applicants to either take an approved course or complete a take-home exam to meet a California testing requirement.

ISSUE #4: (CODIFY CCIDC APPROVED EXAMS?) Should the statute specify which national examinations are recognized by CCIDC?

Recommendation #4: *The Joint Committee recommends codification of the national exams recognized by CCIDC.*

Comments: Pursuant to Section 5801, in order for an individual to obtain a stamp from an interior design organization and to call himself/herself a CID, the individual must provide the interior design organization with evidence of passage of an interior design examination approved by that interior design organization and certain, specified education and/or experience. The three interior design examinations approved by CCIDC (an interior design organization) are: (1) the Council of Qualification for Residential Designers (CQRID); (2) the NCIDQ; and (3) both parts [Certified Bath Designer (CBD) and Certified Kitchen Designer (CKD)] of the National Kitchen and Bath Association (NKBA). Pursuant to Business and Profession Code Section 5801.1, these examinations are recognized and required by the interior design organization and are subject to an occupational analyses and examination validation as required by Business and Profession Code Section 139 every five to seven years. In the statute, it is not specified which exams are acceptable.

The JLSRC is aware of concerns raised by members of the interior design profession relating to CCIDC's acceptance of the NKBA exam. CCIDC has stated their belief that these exams appropriately meet the examination validation requirements specified in Section 139. Additionally, the JLSRC has consistently supported the elimination of barriers to entry and has attempted to provide individuals a variety of ways to demonstrate their competency to practice. It appears that it would assist both CCIDC and the industry to specify in statute the types of eligible exams while also allowing CCIDC or any other interior design organization to recognize other future similarly situated exams.

ISSUE #5: (SPECIFY THE ACCEPTABLE ACCREDITING ORGANIZATIONS?)
Should interior design organizations accept the accreditation of all appropriate design accrediting organizations?

Recommendation #5: The Joint Committee recommends specification of the acceptable accrediting organizations for interior design educational programs.

Comments: Section 5801 states that a certified interior designer may be a graduate from an "accredited interior design degree program," but does not specify which accreditation organizations are accepted. The JLSRC has been made aware that, in the past, it has not always been clear on CCIDC websites and material which accrediting organizations are accepted. In order to allow for flexibility, yet ensure competency, it should be clear that an accredited interior design degree or certificate at least means a program accredited by Foundation Interior Design Education Research (FIDER), National Association of Schools of Art and Design (NASAD), the National Architectural Accrediting Board (NAAB), and also means any other accrediting agency recognized by the US Department of Education or the Commission on Higher Education Accrediting.